

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

vs.

ROQUE PADILLA

CRIMINAL NO. 00-12-1

ORDER

AND NOW, this 2nd day of June, 2010, upon consideration of defendant's motion for reduction of sentence under the Fair Sentencing Act of 2010, it is hereby ORDERED that the motion is DENIED without prejudice.¹

FILED

JUN 07 2010

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

BY THE COURT:



LAWRENCE F. STENGEL, J.

¹ Roque Padilla's motion for reduction of sentence is based on the Fair Sentencing Act of 2010. Although the Senate has passed the Fair Sentencing Act of 2010, the House of Representatives has not yet voted on the bill and the President has not signed it into law. See Open Congress, S.1789 - Fair Sentencing Act of 2010, <http://www.opencongress.org/bill/111-s1789/show> (last visited June 1, 2010). Therefore, the Fair Sentencing Act of 2010 is not law and, unless approved by the House of Representative and the President of the United States, cannot provide the basis for a reduction of sentence.

The court expresses no opinion on whether the final legislation, if enacted, would require a reduction of Mr. Padilla's sentence.

June 7, 2010

Fax: McKinnon, Garner, Padilla